

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

MCALLEN DIVISION

UNITED STATES OF AMERICA

V.

Edelmiro Cortez Jr.

Principal

YOB: 2000

United States Courts
Southern District of Texasus FILED
November 03, 2021

CRIMINAL COMPLAINT

Case Number:

M-21- 2322 -M

(Name and Address of Defendant)

Nathan Ochsner, Clerk of Court

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about November 2, 2021 in Starr County, in the Southern District of Texas defendants(s) did,

(*Track Statutory Language of Offense*)

knowing or in reckless disregard of the fact that Jessica Susan Canil-Xirum, a citizen and national of Guatemala, and Efrain Santos-Hernandez, a citizen and national of Mexico, along with thirteen (13) other undocumented aliens, for a total of fifteen (15), who had entered the United States in violation of law, concealed, harbored or shielded from detection or attempt to conceal, harbor, or shield from detection such aliens in any place, including any building or means of transportation, to wit; a residence located in Roma, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iii)
I further state that I am a(n) U.S. Border Patrol Agent and that this complaint is based on the following facts:

On November 2, 2021, Border Patrol Agents responded to a concerned citizen regarding an apartment being used to harbor undocumented aliens in Roma, Texas. Agents along Roma Police Officers conducted a knock-and-talk on the apartment. While Agents waited for a response, additional Agents monitored the rear of the apartment and observed two male subjects run out the back door to a fence. After the subjects noticed the Agents, they ran back into the apartment. The owner of the apartment arrived and began opening the door. As he was doing so, a subject within the apartment, later identified Edelmiro Cortez Jr., the tenant of the apartment, opened the door. Agents informed Cortez they had information that illegal aliens were being harbored at his residence and asked for consent to search his apartment. Cortez granted Agents verbal consent to search, and upon entering, Agents were able to locate fifteen (15) subjects in the apartment. Agents determined Cortez was a United States citizen, and the remaining subjects were illegally present in the United States.

All subjects were placed under arrest and transported to the Rio Grande City Border Patrol Station for processing.

Continued on the attached sheet and made a part of this complaint:

Yes No

Complaint authorized by AUSA D. Chung

Submitted by reliable electronic means, sworn to and attested telephonically per Fed. R. Cr.P.4.1, and probable cause found on:

November 3, 2021 C 3 : 22p
Date

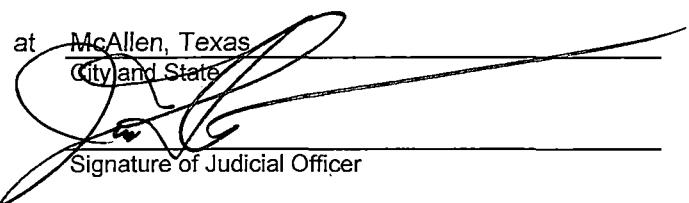
Juan F. Alanis, U. S. Magistrate Judge
Name and Title of Judicial Officer

/s/ William A. Dubois

Signature of Complainant

William A. Dubois Border Patrol Agent

Printed Name of Complainant

at McAllen, Texas
City and State

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-21- 2322 -M

RE: Edelmiro Cortez Jr.

CONTINUATION:

PRINCIPAL STATEMENT:

Edelmiro Cortez Jr., a United States Citizen, was advised of his Miranda Rights, stated he understood his Rights, and agreed to provide a sworn statement.

Cortez admitted he harbored fifteen (15) illegal aliens in an extra room in his residence. He indicated he was to be paid \$100 per illegal alien, per day. Cortez stated he would provide the illegal aliens with meals and wash their clothes. Cortez claimed he allowed the illegal aliens to use their cell phones, which they kept in the kitchen.

MATERIAL WITNESS STATEMENT 1:

Jessica Susan Canil-Xirum, a citizen and national of Mexico, was read her Miranda Rights in the Spanish language. She understood her rights and agreed to provide a statement.

Canil stated she made her own smuggling arrangements and paid \$5,000 of the \$8,000 charged to be smuggled to Houston, Texas. Canil was also charged a \$100 fee to cross the Rio Grande River by raft. Canil crossed the river around 6pm along with seven (7) other people and was guided to a location via phone. Once they reached the location, Canil mentioned they knocked on the door of an apartment until a skinny male opened the door and instructed them to go to the second floor. Canil stated there were approximately fifteen (15) people staying in the room with her.

Canil was presented with a photo lineup and was able to identify Edelmiro Cortez Jr. as the man who opened the door of the apartment.

MATERIAL WITNESS STATEMENT 2:

Efrain Santos-Hernandez, a citizen and national of Mexico, was read his Miranda Rights in the Spanish language. He understood his rights and agreed to provide a statement.

Santos stated he made his own smuggling arrangements and paid \$2,000 of the \$7,500 charged to be smuggled to Houston, Texas. Santos crossed the Rio Grande River, by raft, with seven (7) other people and was guided to a location via phone. Once they reached the location, Santos mentioned they knocked on the door of an apartment until a skinny male opened the door and instructed them to go to the second floor.

Santos was presented with a photo lineup and was able to identify Edelmiro Cortez Jr. as the man who opened the door of the apartment.